

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	CHAPTER 13
)	
NAKISHA L. WESLEY)	
)	
Debtor)	
)	CASE NO. 17-16489-MDC
~~~~~	)	
PORTFOLIO RECOVERY ASSOCIATES, LLC,	)	<b><u>HEARING DATE:</u></b>
ASSIGNEE OF ALLY BANK	)	Thursday, November 16, 2017
("PRA"), BY AND THROUGH ITS	)	11:00 a.m.
SERVICING AGENT, PRA RECEIVABLES	)	
MANAGEMENT, LLC	)	
Movant	)	
vs.	)	
	)	
NAKISHA L. WESLEY	)	<b><u>LOCATION:</u></b>
	)	U.S. Bankruptcy Court
	)	Eastern District Of Pennsylvania
	)	Courtroom # 2
	)	900 Market Street
and	)	Philadelphia, PA 19107
WILLIAM C. MILLER	)	
Trustee	)	

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Portfolio Recovery Associates, LLC, assignee of Ally Bank, ("PRA"), by and through its servicing agent, PRA Receivables Management, LLC, by and through its attorneys, Mester & Schwartz, P.C., who files this Motion based upon the following:

1. The Movant, is a limited liability corporation with its principal place of business at 8245 Tournament Drive, Suite, 330, Memphis, Tennessee.
2. The Respondents, Nakisha L. Wesley, is an individual residing at 1240 Cornell Avenue, Drexel Hill, Pennsylvania, who has filed a Petition under Chapter 13 of the Bankruptcy Code.

3. On or about August 24, 2015, Debtor entered into a Retail Installment Sale Contract (“Contract”), involving a loan in the amount of \$35,089.64 made by Movant for the purchase of a 2016 Kia Sorento. See Exhibit “A.”

4. The vehicle secured by the Contract has V.I.N. 5XYPG4A37GG075602. See Exhibit “B”.

5. The above - described vehicle is encumbered by a debt owed to the purchase money mortgagee with a balance in the amount of \$34,919.42 plus other appropriate charges through September 8, 2017. The regular monthly payment is \$762.02 at an interest rate of 15.79%.

6. The priority of the lien is first priority.

7. The Chapter 13 plan calls for the surrender of the vehicle and the Movant repossessed the vehicle prior to the filing of this bankruptcy.

8. Intent to surrender is cause for relief from the automatic stay under 11 U.S.C. §362(d)(1).

9. The adjusted retail value of the vehicle in question is \$17,475.00.

10. The vehicle may be now, to PRA’s knowledge, uninsured or improperly insured, not having coverage required by the Contract.

11. The vehicle is not necessary to an effective reorganization.

12. The Movant is the only lienholder of record with regard to the vehicle.

13. In order to proceed with repossession of the vehicle, relief from the automatic stay must be obtained.

14. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001 (a) (3).

15. The Movant has incurred \$481.00 in attorney’s fees and costs with respect to this

motion for relief.

WHEREFORE, Movant prays for Your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,

MESTER & SCHWARTZ, P.C.

BY: /s/ Jason Brett Schwartz  
Jason Brett Schwartz, Esquire  
Attorney for Movant  
1333 Race Street  
Philadelphia, PA 19107  
(267) 909-9036